

**SENATE, No. 3283**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED DECEMBER 10, 2018

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Senator Singleton**

**SYNOPSIS**

Permits municipalities to establish affordable housing preference for first responders.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/14/2019)**

1 AN ACT concerning an affordable housing preference for first  
2 responders and amending P.L.1985, c.222.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to  
8 read as follows:

9 11. a. In adopting its housing element, the municipality may  
10 provide for its fair share of low and moderate income housing by  
11 means of any technique or combination of techniques which provide  
12 a realistic opportunity for the provision of the fair share. The  
13 housing element shall contain an analysis demonstrating that it will  
14 provide such a realistic opportunity, and the municipality shall  
15 establish that its land use and other relevant ordinances have been  
16 revised to incorporate the provisions for low and moderate income  
17 housing. In preparing the housing element, the municipality shall  
18 consider the following techniques for providing low and moderate  
19 income housing within the municipality, as well as such other  
20 techniques as may be published by the council or proposed by the  
21 municipality:

22 (1) Rezoning for densities necessary to assure the economic  
23 viability of any inclusionary developments, either through  
24 mandatory set-asides or density bonuses, as may be necessary to  
25 meet all or part of the municipality's fair share in accordance with  
26 the regulations of the council and the provisions of subsection h. of  
27 this section;

28 (2) Determination of the total residential zoning necessary to  
29 assure that the municipality's fair share is achieved;

30 (3) Determination of measures that the municipality will take to  
31 assure that low and moderate income units remain affordable to low  
32 and moderate income households for an appropriate period of not  
33 less than six years;

34 (4) A plan for infrastructure expansion and rehabilitation if  
35 necessary to assure the achievement of the municipality's fair share  
36 of low and moderate income housing;

37 (5) Donation or use of municipally owned land or land  
38 condemned by the municipality for purposes of providing low and  
39 moderate income housing;

40 (6) Tax abatements for purposes of providing low and moderate  
41 income housing;

42 (7) Utilization of funds obtained from any State or federal  
43 subsidy toward the construction of low and moderate income  
44 housing;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (8) Utilization of municipally generated funds toward the  
2 construction of low and moderate income housing; and

3 (9) The purchase of privately owned real property used for  
4 residential purposes at the value of all liens secured by the property,  
5 excluding any tax liens, notwithstanding that the total amount of  
6 debt secured by liens exceeds the appraised value of the property,  
7 pursuant to regulations promulgated by the Commissioner of  
8 Community Affairs pursuant to subsection b. of section 41 of  
9 P.L.2000, c.126 (C.52:27D-311.2).

10 b. The municipality may provide for a phasing schedule for the  
11 achievement of its fair share of low and moderate income housing.

12 c. (Deleted by amendment, P.L.2008, c.46)

13 d. Nothing in P.L.1985, c.222 (C.52:27D-301 et al.) shall  
14 require a municipality to raise or expend municipal revenues in  
15 order to provide low and moderate income housing.

16 e. When a municipality's housing element includes the  
17 provision of rental housing units in a community residence for the  
18 developmentally disabled, as defined in section 2 of P.L.1977,  
19 c.448 (C.30:11B-2), which will be affordable to persons of low and  
20 moderate income, and for which adequate measures to retain such  
21 affordability pursuant to paragraph (3) of subsection a. of this  
22 section are included in the housing element, those housing units  
23 shall be fully credited as permitted under the rules of the council  
24 towards the fulfillment of the municipality's fair share of low and  
25 moderate income housing.

26 f. It having been determined by the Legislature that the  
27 provision of housing under P.L.1985, c.222 (C.52:27D-301 et al.) is  
28 a public purpose, a municipality or municipalities may utilize public  
29 monies to make donations, grants or loans of public funds for the  
30 rehabilitation of deficient housing units and the provision of new or  
31 substantially rehabilitated housing for low and moderate income  
32 persons, providing that any private advantage is incidental.

33 g. A municipality which has received substantive certification  
34 from the council, and which has actually effected the construction  
35 of the affordable housing units it is obligated to provide, may  
36 amend its affordable housing element or zoning ordinances without  
37 the approval of the council.

38 h. Whenever affordable housing units are proposed to be  
39 provided through an inclusionary development, a municipality shall  
40 provide, through its zoning powers, incentives to the developer,  
41 which shall include increased densities and reduced costs, in  
42 accordance with the regulations of the council and this subsection.

43 i. The council, upon the application of a municipality and a  
44 developer, may approve reduced affordable housing set-asides or  
45 increased densities to ensure the economic feasibility of an  
46 inclusionary development.

47 j. A municipality may enter into an agreement with a  
48 developer or residential development owner to provide a preference

1 for affordable housing to low to moderate income veterans who  
2 served in time of war or other emergency, as defined in section 1 of  
3 P.L.1963, c.171 (C.54:4-8.10), of up to 50 percent of the affordable  
4 units in that particular project. This preference shall be established  
5 in the applicant selection process for available affordable units so  
6 that applicants who are veterans who served in time of war or other  
7 emergency, as referenced in this subsection, and who apply within  
8 90 days of the initial marketing period shall receive preference for  
9 the rental of the agreed-upon percentage of affordable units. After  
10 the first 90 days of the initial 120-day marketing period, if any of  
11 those units subject to the preference remain available, then  
12 applicants from the general public shall be considered for  
13 occupancy. Following the initial 120-day marketing period,  
14 previously qualified applicants and future qualified applicants who  
15 are veterans who served in time of war or other emergency, as  
16 referenced in this subsection, shall be placed on a special waiting  
17 list as well as the general waiting list. The veterans on the special  
18 waiting list shall be given preference for affordable units, as the  
19 units become available, whenever the percentage of preference-  
20 occupied units falls below the agreed upon percentage. Any  
21 agreement to provide affordable housing preferences for veterans  
22 pursuant to this subsection shall not affect a municipality's ability to  
23 receive credit for the unit from the council, or its successor.

24 k. A municipality may enter into an agreement with a  
25 developer or residential development owner to provide a preference  
26 for affordable housing to low and moderate income first responders  
27 of up to 50 percent of the affordable units in that particular project.  
28 This preference shall be established in the applicant selection  
29 process for available affordable units so that applicants who are  
30 first responders, and who apply within 90 days of the initial 120-  
31 day marketing period, shall receive preference for the rental of the  
32 agreed-upon percentage of affordable units. After the first 90 days  
33 of the initial 120-day marketing period, if any of those units subject  
34 to the preference remain available, then applicants from the general  
35 public shall be considered for occupancy. Following the initial  
36 120-day marketing period, previously qualified applicants and  
37 future qualified applicants who are first responders shall be placed  
38 on a special waiting list as well as the general waiting list. The first  
39 responders on the special waiting list shall be given preference for  
40 affordable units, as the units become available, whenever the  
41 percentage of preference-occupied units falls below the agreed upon  
42 percentage. Any agreement to provide affordable housing  
43 preferences for first responders pursuant to this subsection shall not  
44 affect a municipality's ability to receive credit for the unit from the  
45 council, or its successor.

46 For the purposes of this subsection, "first responder" means a  
47 law enforcement officer; paid or volunteer firefighter; paid or  
48 volunteer member of a duly incorporated first aid, emergency,

1 ambulance, or rescue squad association; or any other person who, in  
2 the course of the person's employment, is dispatched to the scene of  
3 a motor vehicle accident or other emergency situation for the  
4 purpose of providing medical care or other emergency assistance.  
5 (cf: P.L.2013, c.6, s.1)

6  
7 2. This act shall take effect immediately.  
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10 STATEMENT  
11

12 This bill permits municipalities to establish an affordable  
13 housing preference for first responders.

14 Under the provisions of the bill, a municipality would be  
15 authorized to enter into agreements with developers to provide  
16 affordable housing occupancy preferences for low and moderate  
17 income first responders of up to 50 percent of the affordable units in  
18 a particular project. Current law does not provide any preference  
19 for first responders who otherwise qualify for affordable housing.

20 For the purposes of the bill, "first responder" is defined as a law  
21 enforcement officer; paid or volunteer firefighter; paid or volunteer  
22 member of a duly incorporated first aid, emergency, ambulance, or  
23 rescue squad association; or any other person who, in the course of  
24 the person's employment, is dispatched to the scene of a motor  
25 vehicle accident or other emergency situation for the purpose of  
26 providing medical care or other assistance.